

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SAUL DOMINGUEZ-AGUIRRE and GABINO
ORTIZ, individually and on behalf of all other
persons similarly situated,

Plaintiffs,

-against-

277 GOLD INC., *et al.*,
Defendants.

NOT FOR PUBLICATION
MEMORANDUM & ORDER
15-CV-04931 (CBA)(SMG)

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AMON, United States District Judge:

On August 21, 2015 Saul Dominguez-Aguirre brought this action pursuant the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §§ 201 et seq., and several New York state labor laws against his employers, 277 Gold Inc., Downtown Alehouse Ltd., and Salvatore Barretta (“Defendants”). (ECF Docket Entry (“D.E.”) # 1.) On September 8, 2016, an amended complaint was filed joining Gabino Ortiz as a plaintiff. (D.E. # 18.) The operative third amended complaint was filed on October 25, 2017, adding defendants Sharnay Adam, Paul Hurley, and Dartgana Lamb. (D.E. # 46.) The Plaintiffs sought to recover unpaid or underpaid minimum wages, overtime compensation, and spread-of-hours wages. (Id. at ¶¶ 1–3.) The case was referred to mediation, (D.E. # 56), the parties settled, and, on March 17, 2020, I adopted the Report and Recommendations (“R&R”) of the Honorable Steven M. Gold, United States Magistrate Judge, recommending that I approve the parties’ settlement. (D.E. # 73.) On June 25, 2020, Plaintiffs moved for a judgment enforcing the settlement agreement, claiming Defendants had failed to make the lump-sum \$17,000.00 payment due under the settlement agreement. (D.E. # 75.) I referred the motion to Magistrate Judge Gold for R&R. (D.E. dated 6/30/2020). On July 24, 2020, Magistrate Judge Gold issued a thorough and well-reasoned R&R recommending that Plaintiffs’

motion for judgment enforcing the settlement agreement be granted and that I adopt Plaintiffs' proposed judgment and award Plaintiffs the principal amount of \$17,000.00 in addition to a total of \$486.25 in pre-judgment interest. (D.E. # 80 at 15.)

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted).

I have reviewed the record and, finding no clear error, adopt the R&R. Accordingly, I grant Plaintiffs' motion for judgment according to the settlement agreement, and order that Defendants pay Plaintiffs the principal amount of \$17,000.00 plus \$486.25 in pre-judgment interest.

SO ORDERED.

Dated: August 21, 2020
Brooklyn, New York

/s/ Carol Bagley Amon
Carol Bagley Amon
United States District Judge